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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/763,458 | 01/23/2004 | Jochen Asbeck | HN 1009 PUS | 6756 |

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| 7590 | 10/16/2007 |
| Robert P. Renke Suite 250 28333 Telegraph Road Southfield, MI 48034 | |

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| EXAMINER | |
| LUONG, VINH | |

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| ART UNIT | PAPER NUMBER |
| 3682 | |

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| MAIL DATE | DELIVERY MODE |
| 10/16/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/763,458

Examiner

Vinh T. Luong

Applicant(s)

ASBECK ET AL.

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 06 August 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☒ C. Other See Continuation Sheet.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Vinh T. Luong

Primary Examiner

Legal Instruments Examiner (LIE), if applicable

Telephone No.

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1. The reply filed on August 6, 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant did not include: (a) an identification of the species that is elected consonant with the requirement on page 5 of the restriction on June 5, 2007; and (b) a listing of all claims readable thereon, including any claims subsequently added. See 37 CFR 1.111.

Applicant contended that:

FIG. 1 shows a camshaft assembly with eight cams illustrated in FIGS. 2-4 and 6a. As the elected group was claims 1-11 regarding a camshaft, and FIGS. 2-6 illustrate embodiments of an apparatus for making lateral indentations, there are no different species to be identified.

The Examiner respectfully submits that the above contention is unsupported by Applicant's specification. In fact, Applicant's Brief Description of the Drawings describes:

FIG. 1 shows an inventive camshaft according to one embodiment:

- A) in a longitudinal section;
- B) in an axial view; and
- C) in a cross-sectional view.

FIG. 2 shows an inventive device with a clamped-in camshaft in a first embodiment.

FIG. 3 shows an inventive device with *a clamped-in camshaft in a second embodiment:*

- A) in a longitudinal section; and
- B) in a cross-section through the forming punch and an upper supporting bearing.

FIG. 4 shows an inventive device with *a clamped-in camshaft in a third embodiment.*

FIG. 5 shows a segment of an inventive device in a further embodiment:

- A) in a longitudinal section through the forming punch;
- B) in a cross-section through an electrode;
- C) in a cross-section through a lower supporting bearing;
- and
- D) in a plan view.

FIG. 6 shows an inventive device with *a clamped-in camshaft in a fourth embodiment:*

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- A) in a longitudinal section; and
- B) in a cross-section through an electrode.

As described above, FIGS. 2-6 illustrate embodiments of different camshafts, not embodiments of an apparatus for making lateral indentations. The patentably distinct camshafts are best seen by comparison of FIGS. 1A, 2A, 3A, and 4A, etc. See also paragraphs [0041] *et seq.* of the specification.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Luong

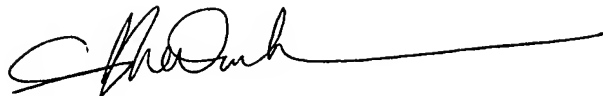
October 12, 2007



Vinh T. Luong
Primary Examiner

Continuation of 3(c) Other:

The amendment to the drawings are not in compliance with 37 CFR 1.84. See Form PTO-948 attached.

A handwritten signature in black ink, appearing to read 'Vinh T. Luong', followed by a long horizontal line extending to the right.

Vinh T. Luong
Primary Examiner